

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

456C0155

SENATE BILL NO. 175

Introduced by: Senators Whiting, Moore, and Shoener and Representatives Broderick, Apa, Crisp, Fiegen, Fischer-Clemens, and Monroe

1 FOR AN ACT ENTITLED, An Act to establish a uniform fee for filing or indexing instruments
2 with the register of deeds office and eliminate the fee for a satisfaction or termination of
3 certain instruments.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 7-9-15 be amended to read as follows:

6 7-9-15. The register of deeds shall charge and receive the following fees:

7 (1) For recording deeds, mortgages, and all other instruments not specifically provided
8 for in this section or this code, the sum of ten dollars for the first page and two dollars
9 for each additional page or fraction thereof. Each rider or addendum shall be
10 considered as an additional page;

11 (2) For a certified copy of any instrument of record, including certificate and official seal,
12 two dollars plus twenty cents for each page after five pages, and for an uncertified
13 copy, one dollar, plus twenty cents for each page after five pages. The board of
14 county commissioners by resolution shall establish the fees charged for duplicate
15 microfilm. In addition to the fee for a certified copy of the record of any birth, there
16 is an additional charge of two dollars for each copy requested, which shall be

submitted on a monthly basis to the state treasurer to be deposited in the children's trust fund;

(3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, ~~one dollar~~ the sum of ten dollars. No fee may be charged for filing any satisfaction or termination of any instrument as prescribed in this subdivision;

(4) For recording oil, gas, and mineral leases, and other recorded documents relating to mineral or oil and gas lease exploration and development, six dollars per page; and

(5) Notwithstanding the provisions of subdivision (2) of this section, the board of county commissioners shall fix by resolution the fees to be paid by licensed abstracters of the county or by any person who has passed the written examination established by the Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of recorded instruments, which fee may not exceed the actual cost to the county for providing such copies.

The register of deeds may not charge a fee for discharging or canceling any personal property lien.

Section 2. That § 37-11-1 be amended to read as follows:

37-11-1. It is a Class 2 misdemeanor for any person or copartnership to engage in or conduct a business for profit in this state under any name which does not plainly show the true surname of each person interested in such business unless ~~they shall first file~~ a statement is filed first. The statement shall be verified by ~~all persons~~ each person interested in ~~such~~ the business, showing the name, post-office address, and residence address of each person interested in the business and the address where the main office of ~~such~~ the business is to be maintained. The statement shall be filed in the office of the register of deeds in each county where the business is maintained and ~~such the~~ filing shall be renewed every fifth year thereafter. A fee ~~of five dollars~~ shall be ~~collected~~ charged for each new filing and ~~a fee of two dollars for each renewal~~ in accordance with

1 subdivision 7-9-15(3).

2 Section 3. That § 37-11-2 be amended to read as follows:

3 37-11-2. A verified statement as described in § 37-11-1 shall be similarly filed from time to
4 time upon any change in ownership, operation, or persons interested in the business. A fee ~~of two~~
5 ~~dollars~~ shall be ~~collected~~ charged for each filing under this section in accordance with subdivision
6 7-9-15(3).

7 Section 4. That § 44-4-4 be amended to read as follows:

8 44-4-4. The officer before whom ~~such~~ the proceedings are ~~had~~ shall be entitled to held may
9 charge a fee ~~of one dollar~~ in accordance with subdivision 7-9-15(3) upon the filing of the
10 affidavit and undertaking and notice, and ~~said~~ the documents shall be filed or recorded, ~~as the~~
11 ~~case may be~~, in the same manner as the notice of lien. Certified copies of the documents shall be
12 prima facie evidence, in the courts of this state, of the matters therein contained.

13 Section 5. That § 44-9-19 be amended to read as follows:

14 44-9-19. The register of deeds shall charge a fee ~~of three dollars~~ in accordance with
15 subdivision 7-9-15(3) for the filing and indexing of any lien or assignment of the lien under the
16 provisions of this chapter ~~and the further sum of one dollar for the filing and indexing of any~~
17 ~~assignment or.~~ However, no fee may be charged for the satisfaction of such the lien, which sums
18 may be taxed as costs in favor of the lien holder.

19 Section 6. That § 44-12-5 be amended to read as follows:

20 44-12-5. ~~Every~~ Each register of deeds shall provide a suitable, well-bound book to be called
21 the hospital lien docket in which, upon the filing of any lien claim under the provisions of this
22 chapter, the register of deeds shall enter the name and address of the injured person, the name
23 of the person, firm, or corporation alleged to be liable for the injury, the date of occurrence of
24 the injury and the name and location of the hospital making the claim. The register of deeds shall
25 make a proper index of the claim in the name of the injured person and ~~the register of deeds is~~

- 1 ~~entitled to one dollar for filing the claim shall charge a fee in accordance with subdivision 7-9-~~
- 2 15(3).